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JUDGE FURMAN

16 CV 3518

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mark Escoffery-Bey, Mark Escoffery,
Diane Escoffery, Maxine Turner

Plaintiff,

-against-

Complaint

New York City Board of Elections

Defendants,

Plaintiffs Mark Escoffery-Bey, Mark Escoffery, Diane Escoffery, Maxine Turner complaining of the defendants New York Board of Elections, respectfully alleges and asserts the following claims against the defendants in the above-entitled action:

(1) The basis for Federal Court jurisdiction are Federal Questions;

(2) Violation of 42 U.S.0 1983 and 1988;

(3) The First Amendment Right to Due Process;

(4) The Fourteenth Amendment Right to Due Process;

(5) Help Americans Vote Act (HAVA at 42 U.S.C. sec. 15483(a)) and

(6) National Voters Registration Act (NVRA at 42 U.S.C. 1973 gg-1)

FILED
U.S. DISTRICT COURT
2016 MAY 11 PM 12: 04
S.D. OF N.Y.

PARTIES

1. At all times mentioned the Plaintiffs Mark Escoffery-Bey, Mark Escoffery, Diane Escoffery, Maxine Turner, were and still are residents of Bronx County, City and State of New York.

2. At all times hereinafter mentioned the Defendant New York City Board of Elections is an agency created, organized and duly existing by virtue of the laws of the State of New York.

3. The Plaintiffs have duly complied with all of the conditions precedent to the commencement of this action.

FACTS

4. On May3, 2016 the New York City Board of Elections informed the candidate that the Plaintiffs are supporting of their decisions to state that the name of that candidate "will not appear on the ballot for the June 28, 2016, Federal Primary Election" Due to some petition sheets had duplicate numbers".

5. In fact the petition and petition volume that fully complied with the rules of the New York City Board of Elections had been submitted on March 9, 2016.

6. The New York City Board of Elections had not prepared a Clerk's Report, which validated the nominating petition that the candidate had

submitted to the Board on March 9, 2016.

6a. No notice of specification was filed against the candidate

7. **The Plaintiffs have submitted affirmation which state the irreparable damages that they will suffer without the requested injunction.**

CONCLUSION

The plaintiffs request that this Court grant their request for an injunction and order the New York City Board of Elections to place the name of the candidate, Mark Escoffery-Bey, on the June 28, 2016 Democratic Federal Primary Ballot, order the defendants to pay monetary damages, attorneys fees and court costs.

Dated May 10, 2016

New York, New York

5/10/16

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Maxine Turner May 10, 2016
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